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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

In re)	Bankruptcy Case No. 10-34298
Dean Wayne Strait AND Linda Gail Strait,)	Docket Control No. ETL-1
)	
Debtors.)	Chapter 7
)	
EMC Mortgage Corporation, and its successors and/or assignees,)	<u>HEARING DATE:</u>
)	
Movant,)	DATE: August 23, 2010
)	TIME: 9:00 a.m.
vs.)	CTRM: 28
)	
Dean Wayne Strait AND Linda Gail Strait, Debtors, and David Gravell, Trustee,)	
)	
)	
Respondents.)	

ORDER TERMINATING STAY

A Motion For Relief From The Automatic Stay was noticed in the within matter and filed by EMC Mortgage Corporation, and its successors and/or assignees (“Movant”). Said Motion was heard before the Honorable MICHAEL S. MCMANUS, United States Bankruptcy Judge on August 23, 2010. There was no pleading in opposition filed by the Debtors, Dean Wayne Strait AND Linda Gail Strait, or the Trustee, David Gravell. The Court, having read the various pleadings, documents and proceedings herein and proper service having been made, and having found cause to terminate the automatic stay herein, hereby makes its Order as follows:

RECEIVED

August 25, 2010

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0002879447

ELATING STAY

1 IT IS HEREBY ORDERED that in regard to the real property located at **2770**
2 **Mitchell Avenue, Oroville, CA 95966** and described as follows:

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4 LOT 4, AS SHOWN ON THAT CERTAIN MAP ENTITLED, 'HARTMAN'S
5 SECOND SUBDIVISION', FILED IN THE OFFICE OF THE COUNTY
6 RECORDER OF BUTTE COUNTY, CALIFORNIA, ON MARCH 8, 1907, IN
7 BOOK 6 OF MAPS, AT PAGE (S) 63.

8 APN: 013-130-018
9

10 the automatic stay is terminated as to the Debtors and the Bankruptcy Estate and Movant may
11 proceed with and consummate its foreclosure proceedings in all respects, and/or fully enforce all of
12 its rights under its Note and Deed of Trust and Movant may further take any acts or institute and
13 complete any proceedings necessary to obtain possession of the above real property in the event
14 Movant is the successful purchaser of such property at foreclosure sale or in the event Movant
15 otherwise acquires title to such property. The 14-day stay provided by Bankruptcy Rule 4001(a)(3)
16 is **not waived** and shall run concurrently with the seven day period as specified in California Civil
17 Code 2924g(d). By Virtue of the entry of this Order, the Borrower's Bankruptcy proceedings have
18 now been finalized with regard to the subject property within the meaning of California Civil Code
19 Section 2923.5(h)(3).

20 IT IS FURTHER ORDERED that upon entry of the order terminating the automatic stay,
21 the movant and its successors, assigns, principals, and agents shall comply with the California Civil
22 Code Section 2923.52 et seq., California Foreclosure Prevention Act. The court awards no fees and
23 costs.

24 Dated: August 25, 2010

By the Court

25
26 
27 Michael S. McManis
28 United States Bankruptcy Judge

SERVICE LIST
Dean Wayne Strait AND Linda Gail Strait
CASE NO. 10-34298

DEBTORS:

Dean Wayne Strait AND Linda Gail Strait
P.O. Box 141
Forbestown, CA 95941

DEBTORS' ATTORNEY:

Charles L. Rathbun
2445 Oro Dam Blvd.
#4
Oroville, CA 95966

CHAPTER 7 TRUSTEE:

David Gravell
P.O. Box 9192
Truckee, CA 96162

OFFICE OF THE U.S. TRUSTEE:

Office of the U.S. Trustee
501 I Street, Suite 7-500
Sacramento, CA 95814

ATTORNEY FOR MOVANT:

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